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Owen Friel

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10/18/2006

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EXAMINER

JOO, JOSHUA

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,253

Applicant(s)

FRIEL ET AL.

Examiner

Joshua Joo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-10 and 12-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-10, 12-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Response to Amendment filed 8/23/2006

1. Claims 1, 3, 5-10, 12-28 are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3, 5-10, 12-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i) Regarding claim 16, the limitation of "its" is not clearly defined; therefore, it is unclear as to what "its" is referring to in the claims
- ii) Regarding claim 17, the limitation of "their" is not clearly defined; therefore, it is unclear as to what "their" is referring to in the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 5-8, 10, 12, 13, 18, 20-23, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleneck, US Publication #2002/0041588 (Gleneck hereinafter), in view of Galasso et

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al, US Patent #6,374,302 (Galasso hereinafter) and Peek et al, US Publication #2002/0049768 (Peek hereinafter).

7. As per claims 1, 22, and 28, Gleneck teaches substantially the invention as claimed including a method of determining a packet network address of at least one gateway which can be contacted to reach a destination terminal from an originating terminal via packet-based communications network, Gleneck's teachings comprising a plurality of terminals connected to a plurality of gateways (Paragraph 0004; 0021-0022. Plurality of terminals connected to plurality of gateways) and further comprising a gatekeeper, said gatekeeper having information about each gateway, said information comprising an identifier for each terminal connected to each of said plurality of gateways and a packet network address for each of said plurality of gateways (Paragraph 0024. Gatekeeper keeps database of all gateways, IP addresses, and phone numbers that each gateway supports.), said method comprising the steps of:

(i) sending a request from an originating gateway connected to the originating terminal to the gatekeeper, said request comprising the identifier of the destination terminal (Paragraph 0029. Source gateway sends requests to gatekeeper, request for dialing plan translation for destination phone number.);

(ii) receiving a reply at the originating gateway from the gatekeeper said reply comprising the packet network address of at least one of gateway which can be contacted to reach the destination terminal (Paragraph 0030-31. Gatekeeper looks up the IP address of the destination gateway and returns IP address to the source gateway.);

8. Gleneck does not teach wherein said communications network comprises a first zone and a second zone each comprising a plurality of terminals connected to a plurality of gateways and wherein a plurality of terminal identifiers of the first zone are also used for terminals of the second zone.

9. Galasso teaches of network comprising a first zone and a second zone each comprising a plurality of terminals connected to a plurality of gateways (Col 1, lines 37-57; Col 4, lines 41-49).

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10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gleneck and Galasso because the teachings of Galasso for a network to comprise a first zone and a second zone each comprising a plurality of terminals connected to a plurality of gateways would improve the system of Gleneck by allowing a plurality of terminals to communicate within the zone and connect to the plurality of gateways for IP based communications.

11. Peek teaches of same terminal identifiers used by different callers at different locations (Paragraph 0048).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Gleneck and Galasso with the teachings Peek to use the same terminal identifiers at different locations because the combination of teachings would improve the system of Gleneck and Galasso by increasing the number of terminals that can connect to the network and decreasing the number of different terminal identifiers, which would provide efficient network management.

13. As per claims 18 and 27, Gleneck teaches substantially the invention as claimed including a gatekeeper arranged for use in a packet-based communications network comprising a plurality of terminals connected to a plurality of gateways (Paragraph 0004; 0021-0022. Plurality of terminals connected to plurality of gateways) and wherein identifiers are associated with each terminal and each of said plurality of gateways has a packet network address, Gleneck's teachings comprising:

(i) a data store arranged to store information about each of said plurality of gateways in the communication network, said information comprising the identifier of each terminal connected to each of said plurality of gateways and the packet network address of each of said plurality of gateways (Paragraph

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0024. Gatekeeper keeps database of all gateways, IP addresses, and phone numbers that each gateway supports.);

(ii) an input arranged to receive a request from an originating gateway in the communications network, said request comprising an identifier of a destination terminal (Paragraph 0029. Receive request from source gateway, request for dialing plan translation for destination phone number.);

(iii) a processor arranged to determine the packet network address of at least one of said plurality of gateways which can be contacted to reach the destination terminal (Paragraph 0030-31. Lookup IP address of the destination gateway connected to called party.);

(iv) an output arranged to send a reply to the originating gateway, said reply comprising the packet network address of said at least one of said plurality gateways which can be contacted to reach the destination terminal (Paragraph 0030-31. Return IP address of the destination gateway to source gateway.);

14. Gleneck does not teach wherein said communications network comprises a first zone and a second zone each comprising a plurality of terminals connected to a plurality of gateways and wherein a plurality of terminal identifiers of the first zone are also used for terminals of the second zone.

15. Galasso teaches of network comprising a first zone and a second zone each comprising a plurality of terminals connected to a plurality of gateways (Col 1, lines 37-57; Col 4, lines 41-49).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gleneck and Galasso because the teachings of Galasso for a network to comprise a first zone and a second zone each comprising a plurality of terminals connected to a plurality of gateways would improve the system of Gleneck by allowing a plurality of terminals to communicate within the zone and connect to the plurality of gateways for IP based communications.

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17. Peek teaches of same terminal identifiers used by different callers at different locations (Paragraph 0048).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Gleneck and Galasso with the teachings Peek to use the same terminal identifiers at different locations because the combination of teachings would improve the system of Gleneck and Galasso by increasing the number of terminals that can connect to the network and decreasing the number of different terminal identifiers, which would provide efficient network management.

19. As per claims 5 and 20, Gleneck teaches the method as claimed in claim 1 wherein said reply is provided by the gatekeeper on the basis of the destination terminal identifier of the request (Paragraph 0030. Gatekeeper uses dialed phone number to look up the IP address of the destination gateway and returns the IP address.).

20. As per claims 6 and 23, Gleneck teaches the method as claimed in claim 1 wherein said request further comprises the packet network address of the originating gateway (Paragraph 0030. Gatekeeper returns IP address to the source gateway. Network address of the originating gateway is inherent for the gatekeeper to respond to source gateway's request.).

21. As per claim 7, Gleneck teaches the method as claimed in claim 6 wherein said reply is provided by the gatekeeper on the basis of a unique label of the originating gateway as well as the destination terminal identifier of the request (Paragraph 0030. Gatekeeper uses dialed phone number to look up and return IP address of the destination gateway to the source gateway. Return based on dialed phone number and source gateway's identifier.).

22. As per claim 8, Gleneck does not teach a method as claimed in claim 2 wherein if the destination terminal identifier of the request occurs in both zones, the reply specifies that one of said plurality of gateways in the originating zone is to be contacted. Peek teaches that terminal identifiers can occur in more than location (Paragraph 0048).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gleneck, Galasso, and Peek to contact the gateway in the originating zone if terminal identifiers occur in both zones because doing so would allow terminals in the same zone to communicate with each other.

24. As per claim 10, Gleneck teaches the method as claimed in claim 1 wherein the identifiers are of a type selected from telephone numbers, universal resource identifiers (URLs), email addresses or any other suitable type of H.323 standard alias (Paragraph 0027-0028. Telephone number.).

25. As per claim 12, Gleneck teaches the method as claimed in claim 1 wherein the request is an H.323 admission request. (Paragraph 0019-0020. H.323 network. Paragraph 0029. request comprising dialed phone number.).

26. As per claim 13, Gleneck teaches the method as claimed in claim 1 wherein the reply is an H.323 admission confirm message (Paragraph 0019-0020. H.323 network. Paragraph 0030. Response.).

27. As per claim 21, Gleneck teaches a gatekeeper as claimed in claim 19, wherein said request further comprises the packet network address of the originating gateway connected to the originating terminal (Paragraph 0029-0030. Gateway returns IP address to the originating gateway. It is inherent that

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that the request contains packet network address of the originating gateway.) and the processor is arranged to determine said packet network address of at least one gateway on the basis of the destination terminal identifier of the request (Paragraph 0030. Look up IP address of destination gateway based on dialed phone number.). Gleneck does not teach that the processor is arranged to determine said packet network address of at least one of said plurality of gateways which can be contacted to reach the destination terminal on the basis of the packet network address of the originating gateway.

28. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine an outbound gateway based on both the destination terminal identifier and the originating gateway because doing so would provide an efficient connection that would minimize delay and cost between the caller and called party.

29. As per claim 25, Gleneck teaches a communications network comprising a gateway as claimed in claim 22 (Paragraph 0020; 0023).

30. As per claim 26, Gleneck teaches a communications network comprising a gatekeeper as claimed in claim 18 (Paragraph 0019; 0023).

31. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gleneck, Galasso, and Peek, in view of O'Brien, JR, US Publication #2003/0031165 (O'Brien hereinafter).

32. As per claim 3, Gleneck teaches of returning information comprising one of the plurality of gateways. However, Gleneck does not teach the method as claimed in claim 1 wherein said reply comprises information about only one of the plurality of gateways which is in the same zone as the

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originating terminal. O'Brien teaches of a first user calling through VOIP to second caller, wherein the first and second user reside on the same network (Fig. 1).

33. If both users can reside on the same network, and Gleneck teaches of returning information about a gateway, it would have been obvious to one of ordinary skill in the art to combine the teachings of Gleneck, Galasso, Peek, and O'Brien to return information about a gateway in the same zone as the originating terminal because doing so would efficiently connect the caller to the called party.

34. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gleneck, Galasso, and Peek, in view of Tomoike, US Patent #5,940,512 (Tomoike hereinafter).

35. As per claim 9, Gleneck does not teach a method as claimed in claim 1 wherein the first zone is associated with a first enterprise and a second zone is associated with a second enterprise. Tomoike discloses in the "Background of the Invention" that a plurality of service providers offer services to different regions or areas (Col 1, line 12-14).

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Gleneck, Galasso, and Peek with the teachings of Tomoike because the teachings of Tomoike to have different services associated with different zones would improve the system of Gleneck, Galasso, and Peek by providing connection between two service areas, and providing users with varying services, such as different quality of service and cost of routing data.

37. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gleneck, Galasso, and Peek, in view of Mussman et al, US Publication #2002/0159440 (Mussman hereinafter).

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38. As per claim 14, Gleneck does not teach the method as claimed in claim 1 wherein each gateway of said plurality of gateways is unaware of which terminals are connected to others of said plurality of gateways in the communications network. Mussman teaches of call screening based on the H.323 standard, wherein a gatekeeper manages endpoints and provides zone managements for terminals and gateways, and gateways may not know where the terminals are located on the network (Paragraph 0025, 0037).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gleneck, Galasso, Peek, and Mussman because the teachings of Mussman for the gateway to be unaware of which terminals are connected to other gateways, wherein the gatekeeper maintain and manage the terminals in the zone would increase the efficiency of the system of Gleneck, Galasso, and Peek by providing a central management of gateways and implementing gateway that provide the best possible routing for terminals within its zone by considering factors such as location, cost, and traffic.

40. Claims 15-16, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleneck, Galasso, and Peek, in view of Ng et al, US Patent #6,791,970 (Ng hereinafter).

41. As per claim 15, Gleneck does not teach a method as claimed in claim 1 wherein said gatekeeper further comprises information about which terminals are accessible from each of said plurality of gateways together with cost information associated with accessing those terminals from each gateway. Ng teaches of determining the lowest cost gateway, where the gatekeeper has a gateway provider database that maintains a list of gateways and their destination telephones, which includes the rates of the gateways (Col 3, lines 10-22).

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42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gleneck, Galasso, Peek, and Ng because the teachings of Ng to maintain a list of the cost information with accessing the terminals through each gateway would improve the capability of the system of Gleneck, Galasso, and Peek by allowing the gatekeeper to determine the most cost effective route for connecting terminals.

43. As per claim 16, Gleneck does not teach the method as claimed in claim 15 wherein said reply comprises information about each gateway that can be used to access the destination terminal of the request together with its associated cost information. Ng teaches of determining the lowest cost gateway, where a gatekeeper replies with selected gateway providers with the associated costs (Col 3, lines 10-12; Col 4, lines 9-13).

44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gleneck, Galasso, Peek, and Ng because the teachings of Ng to provide the associated cost of accessing the gateway would improve the functionality of the system of Gleneck, Galasso, and Peek by providing information used to select a gateway based on cost and routing path that would meet a user's financial standard.

45. As per claim 19, Gleneck does not teach a gatekeeper as claimed in claim 18 wherein said memory is further arranged to store cost information relating to the cost of accessing each available terminal from each of said plurality of gateways. Ng teaches of determining the lowest cost gateway, wherein a gatekeeper has a database of gateways and their destination telephones, and information relating to the rates of the gateways (Col 3, lines 10-22).

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46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gleneck, Galasso, Peek, and Ng because the teachings of Ng to maintain a list of the cost information with accessing the terminals through each gateway would improve the system of Gleneck, Galasso, and Peek by allowing the gatekeeper to determine the most cost effective route for connecting terminals.

47. As per claim 24, Gleneck does not teach of a gateway as claimed in 22 wherein said reply comprises cost information associated with the second gateways which can be contacted to reach the destination terminal. Ng teaches of determining the lowest cost gateway, where a gatekeeper replies with selected gateway providers with the associated costs (Col 3, lines 10-12; Col 4, lines 9-13).

48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gleneck, Galasso, Peek, and Ng because the teachings of Ng to provide the associated cost of accessing the gateway would improve the functionality of the system of Gleneck, Galasso, and Peek by providing information used to select a gateway based on cost and routing path that would meet a user's financial standards.

49. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gleneck, Galasso, Peek, and Ng, in view of Thompson III et al, US Publication #2002/0154751 (Thompson hereinafter).

50. As per claim 17, Gleneck does not teach a method as claim 16 wherein said reply comprises a list of said gateways in order of their associated costs. Thompson teaches of listing and ranking plans according to cost (Paragraph 67).

51. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Gleneck, Galasso, Peek, and Ng with the teachings of Thompson because the

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teachings of Thompson to put the list in the order of the costs would improve the user-friendliness of the system of Gleneck, Galasso, Peek, and Ng by providing an ordered list that would make the information more convenient to compare the costs of routing through each gateway and selecting a gateway.

Conclusion

52. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

53. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

54. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

55. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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56. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 10, 2006

JJ


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